

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

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PC Connection, Inc.	)	
	)	Docket No. 1:15-cv-000208-PB
Plaintiff,	)	
v.	)	
	)	
Stephen P. Price	)	
	)	
Defendant.	)	
	)	

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**DEFENDANT'S MOTION TO DISMISS**

Pursuant to FED R. CIV. P. 12(b)(1) and (6), Stephen Price moves to dismiss PC Connection's complaint for failure to state a claim upon which relief can be granted and for lack of subject matter jurisdiction. In this case, PC Connection seeks to protect its confidential information, customers, and goodwill by prohibiting the Defendant from directly or indirectly competing, or planning to compete, with PC Connection anywhere in the world. This type of blanket restriction has been routinely struck down by New Hampshire courts. PC Connection also seeks to protect its entire customer base from solicitation. Finally, PC Connection's complaint fails to provide adequate facts to support the minimum amount in controversy needed to confer subject matter jurisdiction to the Court.

As elaborated in the attached Memorandum of Law, PC Connection's complaint should be dismissed because it has failed to adequately plead an enforceable contract provision, a request for injunctive relief, and that it can satisfy the amount in controversy required for diversity jurisdiction.

WHEREFORE Defendant respectfully request that this Honorable Court:

A. Dismiss the Plaintiff's *Complaint for Injunctive Relief and Damages*;

- B. Deny Plaintiff's request for an injunction; and
- C. Grant such other and further relief as may be just and equitable.

Respectfully submitted,

STEPHEN P. PRICE, Defendant

By His Attorneys,  
UPTON & HATFIELD, LLP

Date: July 2, 2015

By: /s/ Lisa M. Hall

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**CERTIFICATION**

I hereby certify that a copy of the foregoing was served upon counsel of record via ECF system this date.

Date: July 2, 2015

/s/ Lisa M. Hall

Lisa M. Hall